

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

JAMES BRANCH,

Plaintiff,

vs.

JAMES BARRETT,  
WASHINGTON STATE PATROL  
OFFICER HOYT, STATE OF  
WASHINGTON, STATE OF  
WASHINGTON PROSECUTOR'S  
OFFICE, and COUNTY OF  
WALLA WALLA,

Defendants.

NO. CV-10-5144-JPH

ORDER STRIKING REPORT AND  
RECOMMENDATION AND GRANTING  
MOTION FOR EXTENSION OF TIME

On March 9, 2011, the undersigned judicial officer recommended dismissal of this action as Plaintiff had failed to comply with the directive to either complete and file a financial affidavit as required by 28 U.S.C. § 1915(a)(1), or to pay the \$350.00 filing fee (ECF No. 7). On March 14, and March 16, 2011, Plaintiff submitted documents which the court construes as Motions for Extension of Time (ECF Nos. 8 & 9).

Plaintiff failed to note his motions for calendar (and he did not present a memorandum in support of his motions) as required by Local Rule for the Eastern District of Washington 7.1(h). Since this is the first time Plaintiff has failed to do so, the Court has noted Plaintiff's Motions for him on the date signed below. **PLAINTIFF IS CAUTIONED THAT ANY FURTHER MOTIONS SUBMITTED TO THE COURT**

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1 **WITHOUT NOTING THEM FOR HEARING IN COMPLIANCE WITH THE**  
2 **LOCAL RULES WILL NOT BE ADDRESSED BY THE COURT.** Plaintiff is also  
3 required to file original documents with original signature.

4 Plaintiff seeks additional time to comply with the Order to Comply with Filing Fee  
5 Requirements (ECF No. 6). The decision to grant an extension of time is discretionary  
6 with the court. Fed. R. Civ. P. 6(b). Because Plaintiff is proceeding *pro se*, the court will  
7 grant him an additional **thirty (30) days** to either complete and file a financial affidavit as  
8 required by 28 U.S.C. § 1915(a)(1), or to pay the \$350.00 filing fee. Accordingly, **IT IS**  
9 **ORDERED** Plaintiff's Motions (ECF Nos. 8 & 9) are **GRANTED**.

10 **IT IS FURTHER ORDERED** the District Court Executive shall **STRIKE** the  
11 Report and Recommendation to dismiss this action for failure to prosecute under Fed. R.  
12 Civ. P. 41(b) (ECF No. 7). Should Plaintiff fail to either submit a completed financial  
13 affidavit, or to pay the full filing fee, within thirty (30) days, the court will again  
14 recommend dismissal of this action.

15 **IT IS SO ORDERED.** The District Court Executive is directed to enter this Order  
16 and forward a copy to Plaintiff at the Hermiston, Oregon, address, along with a financial  
17 affidavit for persons seeking to proceed *in forma pauperis*.

18 **DATED** this 28<sup>th</sup> day of March, 2011.

19 S/ James P. Hutton

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21 JAMES P. HUTTON  
22 UNITED STATES MAGISTRATE JUDGE  
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